



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Dan Backer, Treasurer
Stop Hillary PAC
203 South Union Street
Suite 300
Alexandria, VA 22314

SEP - 8 2015

RE: RR 15L-29R

Dear Mr. Backer:

The Federal Election Commission ("Commission"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that Stop Hillary PAC and you, in your official capacity as treasurer ("Committee"), may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The matter has been referred by the Reports Analysis Division, following an invitation from the Alternative Dispute Resolution Office, to the Commission's Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ Specifically, the Committee has been referred for failing to remove the Federal candidate's name from the name of the Committee when the candidate referenced, Hillary Rodham Clinton, became an official Federal candidate, in violation of 52 U.S.C. § 30102(e)(4). For further information, a copy of the referral document is enclosed. We have numbered this referral RR 15L-29R.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against the Committee in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.²

¹ Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

² The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the referral until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email, this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20436

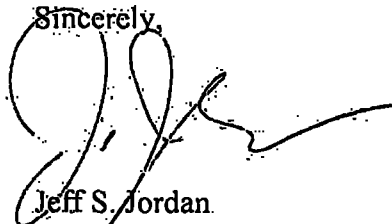
OR

Email

mdebeau@fec.gov

If you have any questions, please contact Mary Beth deBeau at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's procedures for processing potential violations discovered by the Commission.

Sincerely,



Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosures:

1. Referral from the Reports Analysis Division

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REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 30, 2015

ANALYST: Laura E. Sinram

I. COMMITTEE:

STOP HILLARY PAC
C00544767
Dan Backer, Treasurer
203 South Union Street, Suite 300
Alexandria, VA 22314

II. RELEVANT STATUTE:

52 U.S.C. § 30102(e)(4)
11 CFR § 102.14

III. BACKGROUND:

Failure to Remove Federal Candidate's Name from Name of Unauthorized Committee

STOP HILLARY PAC ("the Committee") failed to remove the Federal candidate's name from the name of the Committee when the candidate referenced, Hillary Rodham Clinton, became an official Federal candidate.

On May 16, 2013, the Committee filed its original Statement of Organization ("FEC Form 1"). The FEC Form 1 disclosed that the Committee was a nonconnected political action committee and listed "Stop Hillary PAC" as the Committee's name (Image 13031070917-18). In addition, the Committee attached a memo text to the FEC Form 1 which stated, in full:

"Consistent with the stipulated judgment in Carey v. FEC, this committee has established a separate bank account (a Carey Account) to deposit and withdraw funds raised in unlimited amounts from individuals, corporations, labor organizations and/or other political committees (Carey

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Contributions). The Carey Contributions maintained in this Carey account will not be used to make contributions, whether direct, in-kind, or via coordinated communications, or coordinated expenditures, to federal candidates or committees" (Image 13031070921).

On July 31, 2013, June 2, 2014 and June 6, 2014, the Committee filed amendments to the FEC Form 1. The amendments disclosed the name of the Committee as "STOP HILLARY PAC" and did not include any change to the committee type (Images 13964489178, 14961233640 and 14961236148).

On April 13, 2015, Hillary Rodham Clinton filed a Statement of Candidacy ("FEC Form 2") disclosing her intention to run for President in 2016 (Image 15031411524).

On April 27, 2015, a Request for Additional Information (RAFI) was sent to the Committee referencing the Amended Statement of Organization, received June 6, 2014. The RAFI requested the Federal candidate's name be removed from the name of the Committee, if the Committee was not authorized by the candidate (Image 15330081454).

On June 1, 2015, the Committee filed a Miscellaneous Electronic Submission ("FEC Form 99") in response to the RAFI referencing the Amended Statement of Organization, received June 6, 2014. The FEC Form 99 stated, in full:

"This Committee responds to the FEC's April 27, 2015 Request For Additional Information (RAFI) that seeks to restrain this Committee's constitutional right to free speech and association as follows: No.

With respect to 11 C.F.R. 102.14(a), this regulation was promulgated to ensure a candidate's name was not used to raise funds or disseminate information the candidate objects to under the guise of being authorized by the candidate (Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committee, 50 Fed. Reg. No. 136, (July 15, 1992). It was not enacted to suppress citizens' first amendment rights to engage in robust political speech. Rather, the Commission must "allow the maximum of first amendment freedom of expression in political campaigns commensurate with Congress' regulatory authority" (Common Cause v. FEC, 842 F.2d at 448). Such wildly overbroad application of 11 C.F.R. 102.14(a) would prohibit citizens from banding together and using almost any common name, even where this activity would be explicitly permissible if done as a project of the committee under 11 C.F.R. 102.14(b)(3). With 100 Senators, 435 Representatives, several ex-officio elected Members of Congress, nearly a dozen well-known Presidential candidates registered to date and quite literally hundreds of clowns who file to seek that office every 4 years, and ultimately several thousand candidates for federal office in any given cycle, the use of many words

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that are also first, last, and possibly even middle names would be prohibited under so facially broad an overreach.

The Committee wonders who it is on the Commission that believes Stop Hillary is an authorized committee of any candidate, let alone Hillary Clinton. This Committee, whose FEC registration pre-dates the candidacy of Hillary Clinton, filed a highly visible complaint with the FEC against both Hillary Clinton and Ready for Hillary specifically alleging that Hillary Clinton was already a candidate some 14 months before her purported "announcement." The Commission - despite the widely reported comments of its Chairwoman as to the mockery being made of Campaign Finance law precisely by such obvious chicanery - refused to timely rule on the matter. This Committee ultimately initiated widely reported litigation against the FEC for failure to pursue that complaint in a timely manner, and is surprised that the FEC would suffer any confusion as to the nature of our Committee. This Committee is unsure, considering the choice to include the verb "STOP" in the Committee's name, followed by the clear object sought to be stopped, "Hillary", what further clarification could possibly make clearer the Committee's lack of candidate authorization and, in fact, its open, aggressive, and blatantly obvious opposition to, Hillary Clinton. This Committee would encourage the FEC to vigorously investigate who it is that is so stupid that they would think a political committee named "Stop Hillary PAC" is in any way an authorized committee of Hillary Clinton.

As this Committee filed its Form 1 well before any known current federal candidate named Hillary registered with the Commission, we invite any such candidate to make any necessary name changes to alleviate whatever apparent confusion has befuddled the Commission. Further, the Committee expects that the Commission will be equally diligent and thorough in preventing any such candidate from continuing to attempt to pass itself off as this Committee, for example by rigorously avoiding any media inquiry so as to clarify through public comments that such candidate is a candidate and not, in fact, Stop Hillary PAC. Because that is apparently very confusing.

Finally, in anticipation of any further harassment of this Committee by partisan agents of any federal candidate intent on hypocritically gagging the opposition, the Committee preemptively advises that it is unaware of any effort by Sir Edmund Hillary to seek federal office, despite the precedent set by the Commission in FEC AO 2011-15 to allow a non-US citizen to run for President (though not participate in matching funds). In any event, the Committee invites the Commission to clarify which particular images on its website the Commission thinks bear a resemblance to the rugged Sir Edmund (or his now-rotting, desiccated corpse)" (Images 15951448074-5).

On June 4, 2015, the Reports Analysis Division (RAD) Analyst called Dan Backer, the Committee's Treasurer. The Analyst informed Mr. Backer that the apparent use of a Federal candidate's name within their Committee name would be referred for further action to the Commission. The Analyst told Mr. Backer that the Committee could provide additional clarification for the public record if it so chose. Mr. Backer said that he would confer with his client (Attachment 2).

On June 11, 2015, Committee filed an FEC Form 99 stating, in full:

"This Committee would like to thank the Commission for last week's courtesy phone call regarding the Committee's prior response to the April 27th Request For Additional Information (RAFI), and for the Commission's gracious invitation for this PAC to change its name by June 11th or face "referral for enforcement" and other unspecified manifold terrors of FEC Administrivia. This Committee respectfully declines the Commission's invitation to sacrifice its constitutionally protected right to free speech and free association solely for the benefit of what appears to be the Commission's preferred candidate for Federal office. Certainly, the Commission has offered no other rational basis for such absurdity.

It is hard to fathom who exactly it is that is so lacking in basic concepts (perhaps not even knowing what the definition of "is", is?) that to them the use of the verb 'STOP' immediately preceding the clear object to be stopped, 'HILLARY' demonstrates anything other than clear opposition to that object. Perhaps the Commission should reevaluate its continued lack of faith in the competency of Hillary Clinton's supporters and afford them the benefit of the doubt.

Finally, if the Commission does not cease its efforts to stifle the constitutionally protected speech of groups opposed to Hillary Clinton, this Committee worries that the Commission risks making a large and impermissible in-kind contribution to Hillary for America. As the Commission should know, particularly in light of its failure to effectively police the past wrongdoing of Lois Lerner and April Sands, such activity would be illegal, and a commission so committed to preventing malfeasance in the 2016 campaign - as recently stated by Chairwoman Ravel and Commissioner Weintraub - should perhaps start by not abusing the regulatory process in a blatant act of partisan shutupperry. See Ann M. Ravel & Ellen L. Weintraub, Petition to the FEC for Rulemaking in Response to and Compliance with Citizens United v. FEC, 588 U.S. 310 (2010) (June 8, 2015), http://www.fec.gov/members/statements/Petition_for_Rulemaking.pdf (Image 15951466755).

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To date, no further communication has been received from the Committee regarding this matter.

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*O-Index (2015-2016)

Cmte. ID: C00544767 Cmte. Name: STOP HILLARY PAC

Treasurer Name: BACKER, DAN Address: 203 SOUTH UNION STREET STE 300, ALEXANDRIA, VA 22314

Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form To	Rpt To	AI	Recpt Dt	Pgs	Begin Inq	Begin Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Receipts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			4/13/2015	1	15951126379										
MS-T			4/20/2015	1	15951206741										
MS-T			6/1/2015	2	15951448074										
MS-T			6/11/2015	1	15951466755										
RQ1		A	4/27/2015	2	15326081454			4/27/2015							
F24N	48		4/14/2015	1	15951128640										
F24N	48		5/20/2015	1	15951465558										
F24N	48		6/3/2015	5	15951450843										
F24A	48		4/15/2015	2	15951161770										
F24N	48		4/29/2015	1	15951233050										
F24N	48		7/3/2015	5	201507039000055391										
Totals									\$0	\$0					

*O-Index (2013-2014)

Cmte. ID: C00544767 Cmte. Name: STOP HILLARY PAC

Treasurer Name: BACKER, DAN Address: 203 SOUTH UNION STREET STE 300, ALEXANDRIA, VA 22314

Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form To	Rpt To	AI	Recpt Dt	Pgs	Begin Inq	Begin Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Receipts	Disb	End Cash	Debits	Loans	Debits & Loans
RQ9			5/19/2014	2	14330052406			5/19/2014							
RQ2	YE	A	3/16/2015	2	15330078728	7/1/2013	12/31/2013	3/16/2015							
RQ2	30G	A	3/16/2015	2	15330078736	10/16/2014	11/24/2014	3/16/2015							
RQ2	YE	N	3/8/2015	3	15330075121	11/25/2014	12/31/2014	3/8/2015							
F3XN	MY	N	7/31/2013	6	13961489183	1/1/2013	6/30/2013		\$0	\$21,010	\$0	\$21,010			\$0
F3XN	YE	N	1/31/2014	68	14940321088	7/1/2013	12/31/2013		\$21,010	\$252,504	\$228,598	\$44,916			\$0
F3XA	YE	A	1/28/2015	69	15950120522	7/1/2013	12/31/2013		\$21,010	\$274,023	\$235,855	\$59,078			\$0
F3XN	Q1	N	4/15/2014	29	14960794737	1/1/2014	3/31/2014		\$44,916	\$189,234	\$179,371	\$54,779			\$0
F3XA	Q1	A	1/28/2015	30	15950120921	1/1/2014	3/31/2014		\$59,078	\$189,234	\$179,371	\$68,941			\$0
F3XN	Q2	N	7/15/2014	89	14941800967	4/1/2014	6/30/2014		\$54,779	\$265,828	\$273,802	\$46,804			\$0
F3XA	Q2	A	12/4/2014	92	14952894143	4/1/2014	6/30/2014		\$54,779	\$265,828	\$253,112	\$67,494			\$0
F3XA	Q2	A	1/28/2015	92	15970065525	4/1/2014	6/30/2014		\$68,941	\$265,828	\$253,112	\$81,657			\$0
F3XN	Q3	N	10/15/2014	157	14978233187	7/1/2014	9/30/2014		\$46,804	\$264,593	\$289,526	\$32,672			\$0
F3XA	Q3	A	12/4/2014	158	14952895178	7/1/2014	9/30/2014		\$57,494	\$264,593	\$278,090	\$53,997			\$0
F3XA	Q3	A	1/28/2015	159	15970005617	7/1/2014	9/30/2014		\$81,657	\$264,593	\$278,090	\$68,159			\$0
F3XN	12G	N	10/21/2014	26	14951887442	10/1/2014	10/15/2014		\$22,872	\$27,506	\$37,992	\$12,385			\$0
F3XA	12G	A	12/4/2014	27	14952895783	10/1/2014	10/15/2014		\$53,997	\$27,506	\$37,992	\$43,510			\$0
F3XA	12G	A	1/28/2015	27	15970065788	10/1/2014	10/15/2014		\$68,159	\$27,506	\$37,992	\$57,872			\$0
F3XN	30G	N	12/4/2014	61	14952896147	10/16/2014	11/24/2014		\$43,510	\$30,615	\$66,754	\$7,371			\$0
F3XA	30G	A	1/28/2015	62	15950121139	10/16/2014	11/24/2014		\$57,672	\$30,615	\$66,754	\$21,533			\$0
F3XA	30G	A	4/20/2015	65	15951701042	10/16/2014	11/24/2014		\$57,672	\$30,615	\$66,754	\$21,533			\$0
F3XN	YE	N	1/28/2015	28	15970065826	11/25/2014	12/31/2014		\$21,533	\$17,743	\$13,405	\$25,872			\$0
F1		N	5/16/2013	6	13031070917										
F1A		A	6/2/2014	5	14961233640										
F1A		A	6/6/2014	5	14961236148										
F1A		A	7/31/2013	5	13984489178										

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No records were found for this cycle.